

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SUSAN COMPETELLO,	:
	:
Plaintiff,	:
	:
-v-	:
	:
ZCRAVE, INC.,	:
	:
Defendant.	:
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24 Civ. 4393 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On June 7, 2024, plaintiff Susan Competello filed this action against defendant ZCrave, Inc. (“ZCrave”). Rule 4(m) of the Federal Rules of Civil Procedure requires that a defendant be served with the Summons and Complaint within 90 days after the Complaint is filed. After Competello failed to do so, on November 15, 2024, the Court ordered Competello to advise the Court in writing, by December 2, 2024, why she failed to serve the Summons and Complaint within the 90-day period on ZCrave, or, if Competello believed that ZCrave had been served, when and in what manner such service was made. Dkt. 4 (the “November 15, 2024 Order”). The Court warned that if the Court did not receive any written communication from Competello by December 2, 2024, showing good cause why such service was not made within 90 days, the Court would dismiss her claims against ZCrave. *Id.*

Competello failed to meet this deadline.

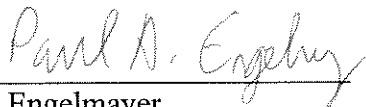
On December 27, 2024, Competello’s counsel, Joseph & Norinsberg, LLC (“Joseph & Norinsberg”), belatedly, filed a response to the Court’s November 15 Order, blaming Competello’s failure to effect service on “unforeseen staffing issues” at Joseph & Norinsberg.

Dkt. 7. The letter requested that the Court not dismiss the action, because, it claimed, those staffing issues were “fully resolved” and there would “no future oversights.” *Id.* at 2.

On January 2, 2025, the Court granted Competello a final extension. Dkt. 7 at 2 (the “January 2, 2025 Order”). The Court directed Competello to file, by January 16, 2025, proof of service of the Summons and Complaint on ZCrave. *Id.*

The deadline set by the Court’s January 2, 2025 Order has long passed, but Competello has not filed any submission. Despite being warned that failure to comply would result in dismissal, Competello has repeatedly flouted the deadlines set by the Court. *See* Dkts. 4, 7. Accordingly, under Rule 41(b) and the Court’s inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case without prejudice for Competello’s failure to prosecute.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: April 1, 2025  
New York, New York